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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/909,023	08/11/1997	TOSHIAKI KOJIMA	SONY-P7698	1127
29175	7590	06/30/2004	EXAMINER	
BELL, BOYD & LLOYD, LLC P. O. BOX 1135 CHICAGO, IL 60690-1135			ONUAKU, CHRISTOPHER O	
			ART UNIT	PAPER NUMBER
			2615	33

DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

08/909,023

Applicant(s)

KOJIMA, TOSHIAKI

Examiner

Christopher O. Onuaku

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/24/04 has been entered.

### ***Response to Arguments***

2. Applicant's arguments filed 5/24/04 have been fully considered but they are not persuasive.

Applicant argues that Gushima fails to disclose that the second data or second data set are a continuous subset of data within the first data set, and that when a buffer overflow is detected even memory blocks are overwritten where as the data that is ODD data blocks are preserved.

In response, Gushima clearly discloses the disposition of data on the buffer memory in Fig.10, wherein the buffer memory of known capacity is divided into odd-

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numbered and even-numbered blocks, each block (which is a continuous block) with its block identification data 58, and the blocks consisting of odd-numbered pixel data are stored in the odd-numbered areas and the block consisting of even-numbered pixel data are stored in the even-numbered areas; the memory controller 53 generates a write address so that the data after the detection of the overflow is overwritten only in the even-numbered areas.

Here the recorded data in buffer memory 4 constitute the first data; this first data is split into odd numbered blocks and even numbered blocks, and the odd-numbered blocks make up the claimed second data; the controller 53 generates a write address into the memory 4 so that the data after the detection of the overflow is overwritten only in the even-numbered areas, for example. In essence, Gushima clearly discloses the application of the principle of selectively overwriting predetermined marked portions (each portion including the beginning and end of the given portion) of recorded data under a given condition, as the recording system continuously records data in a recording medium. Because the controller 53 in Gushima generates the write address for each odd-numbered area and each even-numbered area that designates the start point and end point of the second data, controller 53 reads on the claimed input means.

The argument that when a buffer overflow is detected even memory blocks are overwritten is unacceptable because Gushima clearly discloses in col.31, lines 47-65 and col.32, lines 40-62 that when a buffer overflow is detected controller 53 generates a write address into the memory 4 so that the data after the detection of the overflow is overwritten only in the even-numbered areas.

Therefore, Gushima, in essence, clearly discloses the claimed subject matter of independent claims 1,9,16&23, as shown below.

The rejections are, therefore, maintained.

***Claim Rejections - 35 U.S.C. § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

4. Claims 1-7,9-14,16-21&23-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Gushima et al (US 5,737,481).

Regarding claim 1, Gushima et al disclose an information recording method, an information recording apparatus, and an information recording medium which are suitable for recording information to be continuously input such image or sound, comprising:

a) recording means for recording a first data set in a recording medium ( see Fig.1& 8, and buffer memory 4 ; col.16, lines 21-43);

b) input means for designating a start point and an end point of a desired second continuous data set, where the second continuous data set is a subset of the first data set to be recorded in or already recorded in the recording medium by the recording means ( see Fig.8&10, and controller 53; col.31, lines 29-46), here the recorded data in

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buffer memory 4 constitute the first data set; this first data set is split into odd numbered blocks and even numbered blocks, and the odd-numbered blocks make up the claimed second data set; the controller 53 generates a write address into the memory 4, thereby writing the coded data 15 and the block identification data 58 into the buffer memory 4 by disposing as shown in Fig.10; when a normal recording is performed, the coded data 15 output from the coder 52 together with the block identification data is stored in a predetermined area in the buffer memory 4;

c) control means for controlling the recording means so as to endlessly-record and overwrite a non-designated portion of the first data in the recording medium which excludes the designated second continuous data set, such that the recording means endlessly records data in the recording medium in a recording region that avoids the recording region in which the second data has been recorded (see Fig.8&10, controller 53 and col.31, lines 47-65), here only data recorded on even-numbered areas are overwritten, during a selective overwrite process, wherein data is endlessly recorded in the buffer. Examiner reads endless recording as continuous uninterrupted recording.

Regarding claim 2, Gushima discloses wherein the recording medium is a recording medium capable of non-linear access.(see buffer memory 4 which is a random access memory; col.16, lines 21-29).

Regarding claim 3, Gushima discloses reproducing means for reproducing the "first" data recorded in the recording medium, wherein the start point and end point of

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the desired "second" data are input by input means from the "first" data reproduced by the reproducing means ( see col.31, line 66 to col.32, line 6).

Regarding claim 4, Gushima discloses wherein the reproducing means reproduces the "first" data recorded in the recording medium after a passage of a predetermined period of time in order of recording the "first" data in the recording medium ( see col.16, line 39-42).

Regarding claim 5, Gushima discloses wherein the control means, when recording means is controlled so as to "endlessly-record" the data in the recording medium, "endless-records the "first" data in a "first" region of the recording medium, and when the start point and end point of the "second" data are input through the input means, controls the recording means so as to "endlessly-record" the "first" data in the "first" region while avoiding a predetermined "second" region of the recording medium(see claim 1 discussions and col.31, lines 29-65).

Regarding claim 6, Gushima, discloses wherein the control means controls the recording means so as to record the "first" data in a "first" region of the recording medium, and controls the recording means so as to generate assisting data for identifying the "first" data and record the assisting data in a "second" region different from the "first" region of the recording medium (see Fig.9B and block identification data

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58 which is stored in a portion of the buffer memory 4 than the data itself; col.31, lines 14-46).

Regarding claim 7/1, the claimed limitations of claim 7/1 are accommodated in the discuss of claim 6 above, including col.31, lines 29-65; col.32, lines 40-62.

Regarding claim 7/3, the claimed limitations of claim 7/3 are accommodated in the discuss of claims 6 above, including col.31, lines 29-65; col.32, lines 40-62.

Regarding claim 9, the claimed limitations of claim 9 are accommodated in the discussions of claims 1,2&3 above.

Regarding claim 10, the claimed limitations of claim 10 are accommodated in the discussions of claims 1&9 above.

Regarding claim 11, the claimed limitations of claim 11 are accommodated in the discussions of claims 4&9 above.



Regarding claim 12, the claimed limitations of claim 12 are accommodated in the discussions of claims 5&9 above.

Regarding claim 13, the claimed limitations of claim 13 are accommodated in the discussions of claims 6&9 above.

Regarding claim 14, the claimed limitations of claim 14 are accommodated in the discussions of claims 7&9 above.

Regarding claim 16, the claimed limitations of claim 16 are accommodated in the discussions of claims 1&9 above.

Regarding claim 17, the claimed limitations of claim 17 are accommodated in the discussions of claim 3 above.

Regarding claim 18, the claimed limitations of claim 18 are accommodated in the discussions of claim 4 above.

Regarding claim 19, the claimed limitations of claim 19 are accommodated in the discussions of claim 5 above.

Regarding claim 20, the claimed limitations of claim 20 are accommodated in the discussions of claim 6 above.

Regarding claim 21/16, the claimed limitations of claim 21/16 are accommodated in the discussions of claim 7 above.

Regarding claim 21/17, the claimed limitations of claim 21/17 are accommodated in the discussions of claim 7 above.

Regarding claim 23, the claimed limitations of claim 23 are accommodated in the discussions of claim 9 above.

Regarding claim 24, the claimed limitations of claim 24 are accommodated in the discussions of claim 10 above.

Regarding claim 25, the claimed limitations of claim 25 are accommodated in the discussions of claims 10&11 above.

Regarding claim 26, the claimed limitations of claim 26 are accommodated in the discussions of claim 12 above.

Regarding claim 27, the claimed limitations of claim 27 are accommodated in the discussions of claim 13 above.

Regarding claim 28/23, the claimed limitations of claim 28/23 are accommodated in the discussions of claim 14 above.

Regarding claim 28/24, the claimed limitations of claim 28/24 are accommodated in the discussions of claim 14 above.

***Claim Rejections - 35 U.S.C. § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 8,15,22&29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gushima in view of Sasakura (US 5,940,241) and further in view of Shirakawa et al ( US 5,949,953).

Regarding claim 8, Gushima fails to disclose wherein the assisting data comprises time code. Sasakura teaches an image signal recording system for recording an image signal on a recording medium wherein time codes are used to identify recorded data (see col.3, line 64 to col.4, line 6). Using time codes to identify recorded data provides a simple means of identifying recorded data.

It would have been obvious to modify Gushima by using time codes as the identifying means for identifying the recorded data (e.g., data blocks) of Gushima, as taught by Sasakura, since using time codes to identify recorded data provides a simple means of identifying recorded data.

Gushima and Sasakura fail to disclose wherein the assisting data comprises a file name and a head address. Shirakawa, et al teach a disk media for recording a digital image and a method of and device for recording and playing back a digital image signal on or from such disk wherein recorded GOP, for example, are assigned header addresses to facilitate the location of the GOP in the recording device(-see col.32, lines 26-40, and col.34, line 66 to col.35, line 17), and GOP files are assigned file names to facilitate the identification of the GOP files( see col.38, line 54 to col.40, line 41). It would have been obvious to one of ordinary skill in the art to further modify Gushima by assigning header addresses to the recording apparatus of Gushima, as taught by Shirakawa, to facilitate the location of recorded data in the recording device, and assigning file name to the files of Gushima, again, as taught by Shirakawa, in order to facilitate the identification of the data files in the recording apparatus of Gushima.

Regarding claim 15/13, the claimed limitations of claim 15/13 are accommodated in the discussions of claim 8 above.

Regarding claim 15/14, the claimed limitations of claim 15/14 are accommodated in the discussions of claim 8 above.

Regarding claim 22, the claimed limitations of claim 22 are accommodated in the discussions of claim 8 above.

Regarding claim 29, the claimed limitations of claim 29 are accommodated in the discussions of claim 15 above.

Regarding claim 30, the claimed limitations of claim 30 are accommodated in the discussions of claim 8 above.

Regarding claim 31, the claimed limitations of claim 31 are accommodated in the discussions of claim 30 above.

Regarding claim 32, the claimed limitations of claim 32 are accommodated in the discussions of claim 15 above.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from this examiner should be directed to Christopher Onuaku whose telephone number is (703) 308-7555. The examiner can normally be reached on Tuesday to Thursday from 7:30 am to 5:00 pm. The examiner can also be reached on alternate Monday.

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If attempts to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Andrew B. Christensen, can be reached on (703) 308-9644.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9314, (for formal communications intended for entry)

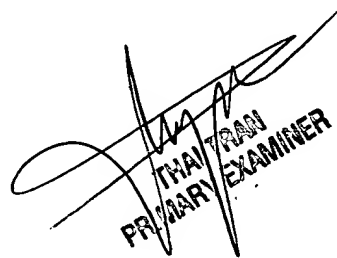
and (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to Customer Service whose telephone number is (703) 306-0377.

  
COO

6/25/04

  
THAI TRAN  
PRIMARY EXAMINER